

DECLARATION

Pursuant to 28 U.S.C. §1746, I hereby declare as follows:

1. I, Sean Tindell, am of the age of majority and competent to testify about the matters stated herein and make this affidavit having personal knowledge of the facts contained herein.

2. I am currently the Commissioner of the Mississippi Department of Public Safety (“DPS”). I was appointed to this position by Governor Tate Reeves in May 2020 and confirmed by the Mississippi State Senate in June 2020. My office is located at 1900 East Woodrow Wilson Avenue, Jackson, Mississippi 39216.

3. I am familiar with S.B. 2343(1)(6)(c) which was passed and enrolled by the house and senate on April 5, 2023, and signed by the Governor on April 21, 2023.

4. Pursuant to this legislation, DPS shall promulgate rules and regulations to effectuate the provisions of S.B. 2343(1)(6)(c). As of the date of this declaration, the statutorily required process of promulgating those rules and regulations has not yet begun.

5. The purpose of the Mississippi Administrative Procedures Law (“MAPL”), Miss. Code Ann. §25-43-1.101, et seq., is to, among other things, provide legislative oversight of powers and duties delegated to administrative agencies, increase public accountability of administrative agencies, increase public access to governmental information, and to increase public participation in the formulation of administrative rules.

6. As required by the MAPL, DPS maintains a current, public rule-making docket. This docket contains: the subject matter of the proposed rule; a citation to all published notices relating to the proceeding; where written submissions or written requests for an opportunity to make oral presentations on the proposed rule may be inspected; the time during which written submissions may be made; if applicable, where and when oral presentations may be made; where any economic impact statement and written requests for the issuance of and other information concerning an economic impact statement of the proposed rule may be inspected; the current status of the proposed rule; the date of the rule's adoption; and when the rule will become effective. Miss. Code Ann. §25-43-3.102.

7. Under the MAPL, at least twenty-five (25) days before the adoption of any rule related to S.B. 2343(1)(6)(c), DPS must file notice of its contemplated action with the Secretary of State for publication in the administrative bulletin. The notice of proposed rule adoption must include: (a) a short explanation of the purpose of the proposed rule and the agency's reasons for proposing the rule; (b) the specific legal authority authorizing the promulgation of rules; (c) a reference to all rules repealed, amended or suspended by the proposed rule; (d) subject to Section 25-43-2.101(5), the text of the proposed rule; (e) where, when and how persons may present their views on the proposed rule; and (f) where, when and how persons may demand an oral proceeding on the proposed rule if the notice does not already provide for one. See Miss. Code Ann. §25-43-3.103.

8. Within three days after the proper filing with the Secretary of State for publication in the administrative bulletin, DPS is required to cause a copy of the notice of proposed rule adoption to be provided to each person who has made a timely request to the agency to be placed on the mailing list maintained by the agency of persons who have requested notices of proposed rule adoptions. An agency may mail the copy to the person and may charge the person a reasonable fee for such service, which fee may be in excess of the actual cost of providing the person with a mailed copy. Alternatively, the agency may provide the copy via the Internet or by transmitting it to the person by electronic means, including, but not limited to, facsimile transfer or e-mail at no charge to the person, if the person consents to this form of delivery. See Miss. Code Ann. §25-43-3.103.

9. For at least twenty-five (25) days after proper filing with the Secretary of State of the notice of proposed rule adoption, DPS shall afford persons the opportunity to submit, in writing, argument, data and views on the proposed rule. See Miss. Code Ann. §25-43-3.104.

10. DPS has the discretion to schedule an oral proceeding on any proposed rule and may be required to do so under certain circumstances. DPS may not adopt any rule relating to S.B. 2343(1)(6)(c) until the period for making written submissions and oral presentations has expired. After properly filing with the Secretary of State of the notice of proposed rule adoption, DPS will adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by proper filing with the Secretary of

State of a notice to that effect for publication in the administrative bulletin. See Miss. Code Ann. §25-43-3.104-106.

11. Until such time as the required process for promulgating regulations under authority of S.B. 2343(1)(6)(c) is complete and the rule establishing the regulations becomes final, DPS and Capitol Police do not have any method by which to execute the permitting process outlined by the legislature. Furthermore, neither DPS nor Capitol Police will be accepting or requiring applications for permits relating to S.B. 2343(1)(6)(c) until such time as the rule-making process is complete. Neither DPS nor Capitol Police will try to enforce S.B. 2343(1)(6)(c) until any such regulations are finalized and published in the administrative code. Finally, these regulations will not be finalized and published in the administrative code prior to August 1, 2023.

Further, the declarant sayeth not.

DATE: JUNE 19, 2023



Commissioner Sean Tindell